

COUNTY COUNCIL

OF

TALBOT COUNTY

2011 Legislative Session, Legislative Day No.: March 22, 2011

Resolution No.: 181

Introduced by: Mr. Bartlett, Ms. Price

A RESOLUTION TO CONSIDER THE PETITION OF DONALD H. KIRK AND PATRICIA MARIE KIRK, 25828 ST. MICHAELS ROAD, ST. MICHAELS, MARYLAND, TAX MAP 32 PARCEL 162, IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

THE PETITION REQUESTS THAT TALBOT COUNTY FORMALLY DECLINE TO ACCEPT AN OUTSTANDING, UNACCEPTED OFFER OF DEDICATION IN AND TO A PORTION OF A CERTAIN PLATTED BUT UNIMPROVED PAPER STREET KNOWN AS MILES HAVEN AVENUE

By the Council: March 22, 2011

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, May 10, 2011 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____
Susan W. Moran, Secretary

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1 **WHEREAS**, Donald H. Kirk and Patricia Marie Kirk, (the “Petitioners”) the current owners
2 of 25828 St. Michaels Road, Tax Map 32, Parcel 162, Second Election District, Talbot
3 County, Maryland (the “Property”), have petitioned the County to formally decline to accept
4 an outstanding, unaccepted offer of dedication in and to a portion of a certain platted but
5 unimproved avenue described in said Petition, which is incorporated by reference herein;
6 and,
7

8 **NOW, THEREFORE**, be it resolved by the County Council of Talbot County, Maryland as
9 follows:
10

11 **Section 1.** Upon introduction of this Resolution, a public hearing shall be scheduled, and the
12 date, time, place, and purpose of the public hearing shall be advertised at Petitioners’ expense
13 once a week for three successive weeks in a newspaper of general circulation in the County
14 in accordance with the requirements of Article 25A § 5 (B), Md. Ann. Code. The
15 advertisement shall state the terms of any proposed disposition, the compensation, if any, to
16 be received therefor, and shall give opportunity for objections thereto.
17

18 **Section 2.** The County shall conduct a public hearing, at which time the Petition will be
19 open for receipt and consideration of public comment. Upon receipt and consideration of
20 any recommendations from the Planning Commission and Public Works Advisory Board,
21 and recommendations by the Talbot County Department of Public Works and the Talbot
22 County Roads Department, conclusion of the public hearing(s), and closing of the record, the
23 County Council will consider the merits of the Petition.
24

25 **Section 3.** This Petition pertains to the following described property or interest in property:
26

27 Miles Haven Avenue, a platted and unimproved paper street subject to a heretofore
28 unaccepted offer of dedication, (and the particular portion of said avenue that is the
29 subject of this Petition) is shown on two certain plats titled as follows: (1) “CRANFORD
30 ON MILES, A SUBDIVISION IN THE SECOND ELECTION DISTRICT, TALBOT
31 COUNTY, MARYLAND”, prepared by J.R. McCrone, Jr., Inc., dated May 10, 1983, and
32 recorded among the Plat Records of Talbot County, Maryland at Plat Book 60, page 37;
33 AND (2) “MILES HAVEN, SUBDIVISION OF THE LANDS OWNED BY J.
34 FERGUSON AND HOWARD HAMMOND, ROYAL OAK STATION, MD.” prepared

by W. H. Somerville, dated July 12, 1923, and recorded among the Land Records of Talbot County, Maryland at Liber No. 195, folio 433. The portion of the said Miles Haven Avenue that is the subject of this Petition is shown on a plat entitled "MAJOR REVISION PLAT ON THE LAND OF DONALD H. KIRK AND PATRICIA MARIE KIRK IN THE SECOND ELECTION DISTRICT, TALBOT COUNTY, MARYLAND, TAX MAP 32 GRID 24 PARCEL 162", prepared by Lane Engineering, LLC, dated April 15, 2010, attached hereto as Exhibit "A" and incorporated by reference herein. Said portion is more particularly described as follows:

Beginning for the same at an iron pipe found, said iron pipe found being the southeasterlymost corner of the herein described land, said iron pipe found also being a northwesterly corner of the land of Carl C. MacCartee, Jr. and Joan S. MacCartee (Liber 546 folio 793 and Liber 578 folio 001); and from said **Place of Beginning** running (1) North 80 degrees 09 minutes 00 seconds West 155.32 feet, thence (2) North 18 degrees 19 minutes 00 seconds West 34.03 feet, thence (3) South 80 degrees 09 minutes 00 seconds East 196.39 feet, thence (4) South 49 degrees 39 minutes 46 seconds West 39.06 feet to the **Place of Beginning**, containing 0.121 Acres of Land, more or less.

Section 4. The County finds that that there would be no public purpose served by construction, operation or maintenance of a public road or alley at this location and hereby declines to accept the offer of dedication of the above-described portion of Miles Haven Avenue. These findings and disposition are subject to the following conditions:

- (a) There are no drainage facilities or public utilities located in, upon, under, or through the above-described portion of Miles Haven Avenue;
- (b) The Petitioners have granted or will grant a perpetual easement to the County, in form and content acceptable to the County, for drainage and utility easements adjacent to all public roads and roadways abutting, in, upon, or through the Property, as necessary to serve the Property or other properties in the area, if any;
- (c) The Petitioners shall prepare all deeds, surveys, plats, or other documents in a form satisfactory to the County, and pay the cost thereof, including without limitation all duplication and other costs associated with all instruments prepared pursuant to this Resolution;
- (d) The Petitioners shall execute a "*Release, Waiver, and Indemnification*" substantially in the form attached hereto as Exhibit "A."

Section 5. The President of the County Council is authorized to execute a Quitclaim Deed, consistent with the terms of this Resolution, in form and content acceptable to the County Attorney, to be recorded at the Petitioners' expense among the land records of Talbot County, Maryland.

75 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its
76 date of passage.

77

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____ at _____ in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: _____

By Order: _____
Susan W. Moran Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -